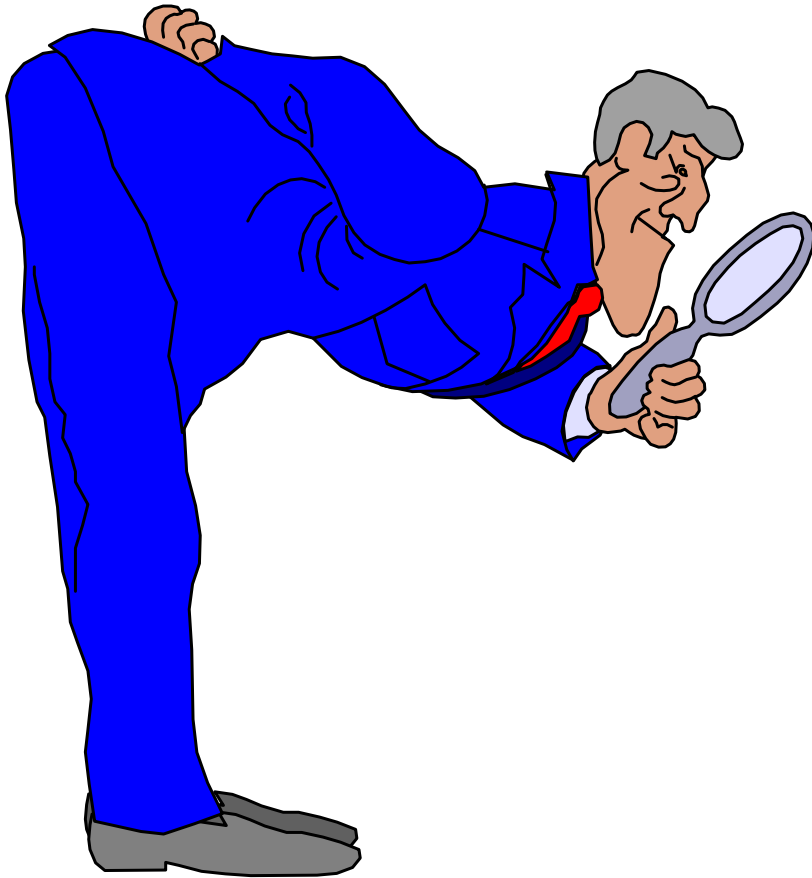


Wisconsin Department of Health & Family Services
Bureau of Quality Assurance

Your Role as a Regulator



Regulatory Authority
and Principles

What roles do you play?



What influences us?



American Regulatory Systems



- ❖ Pride in democratic form of government
- ❖ Demand & expect many services
- ❖ Distrust government & suspicious of the bureaucracy that provides the services

What is a regulator?



❖ Definition: *One, such as the member of a government agency, that ensures compliance with laws, regulations and established rules*

- The American Heritage Dictionary of the English Language, Third Edition, © 1992

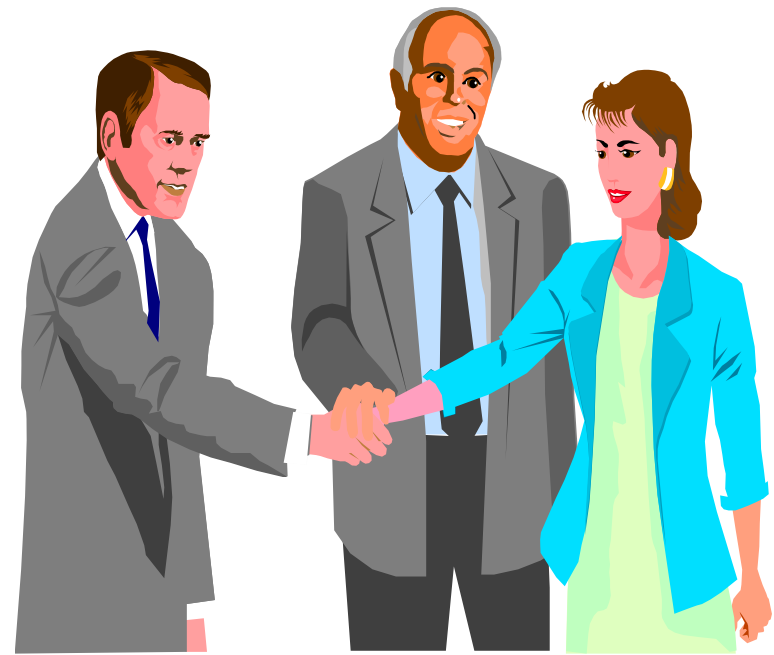
❖ Purpose: To ensure compliance

❖ Why? To obtain a desired outcome

Regulation

To regulate requires:

- ✓ Public trust
- ✓ Consent of the regulated
- ✓ Duty



How do we regulate?

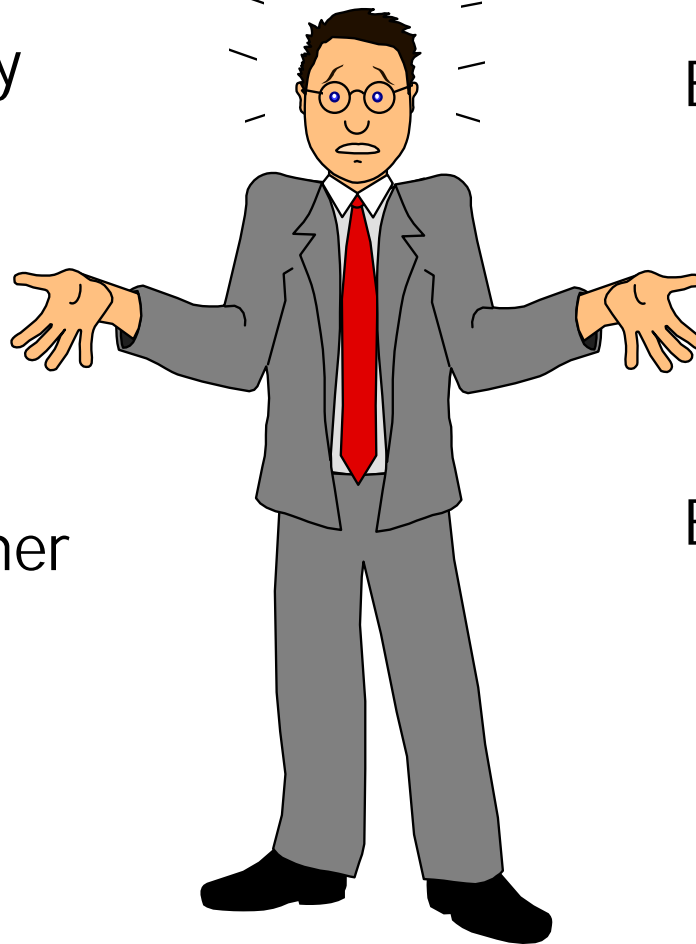


- ❖ Promulgate rules, policies, guidelines, procedures
- ❖ Observation
- ❖ Inspection, investigation
- ❖ Analysis
- ❖ Evaluation
- ❖ Decision-Making
- ❖ Education
- ❖ Enforcement
- ❖ Informal vs. Formal
- ❖ Other?

How we are viewed

By the industry

- ✓ Police
- ✓ Consultant
- ✓ Enemy



By the advocates

- ✓ Police
- ✓ Advocate
- ✓ Enemy

By the consumer

- ✓ Police
- ✓ Advocate
- ✓ Enemy

By the public

- ✓ ???

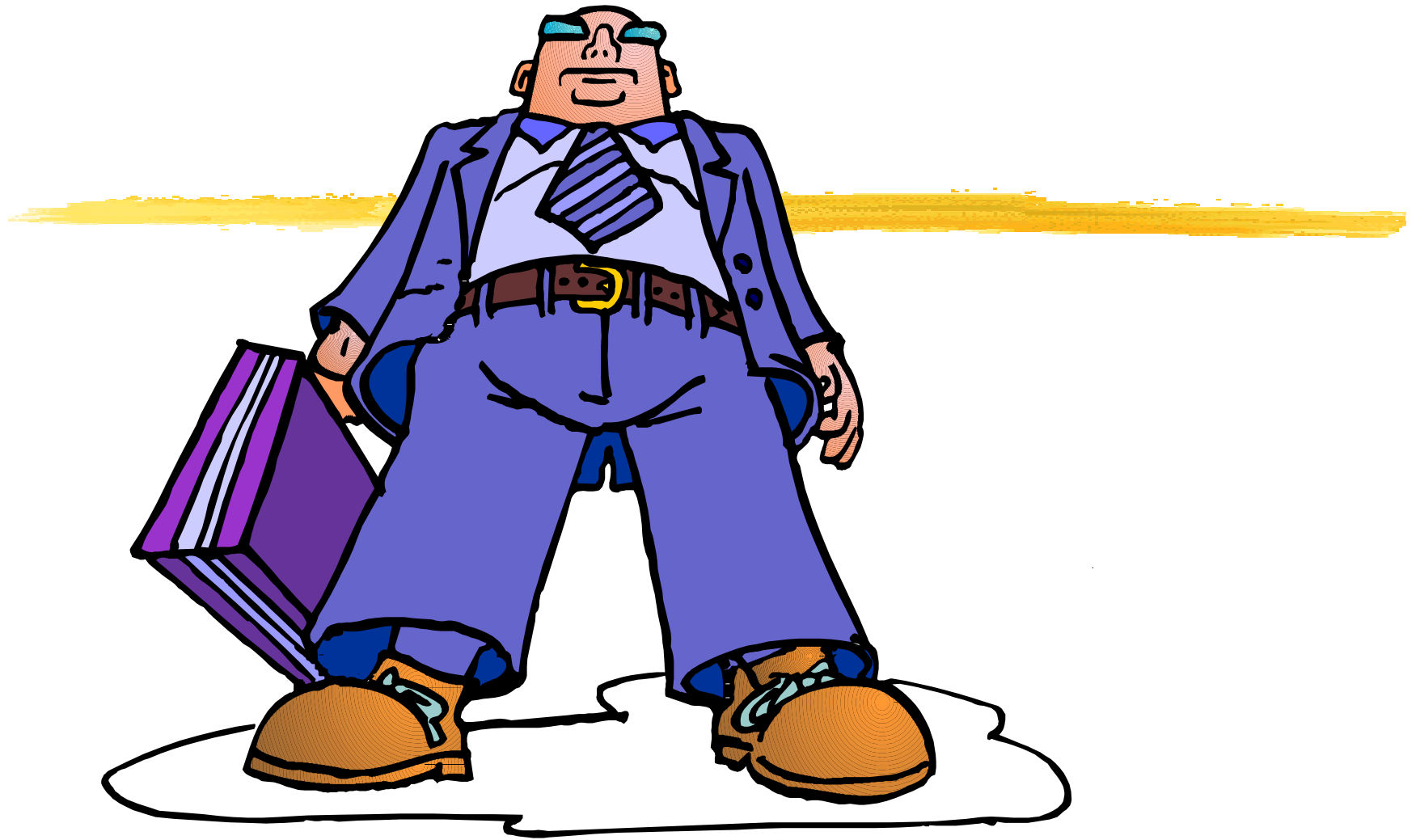
Principles of Regulation



Important regulatory principles...



- ❖ We are responsible to *all* the public.
- ❖ We are involved in a system of law of:
 - ✓ principles
 - ✓ reason
 - ✓ equity
 - ✓ values



Where do we get our authority?

Sources of Authority



- ❖ Congress and/or State Legislatures
 - ✓ Create agencies to enforce laws
 - ✓ License and regulate industries through laws
 - ✓ May give agencies the authority to enact regulations (rules) to carry out the legislative intent and enforce the laws

Government Agencies



- ❖ Created by the legislature and derive all of their authority from that body
- ❖ The breadth of the agencies authority is governed by the legislative body
- ❖ The regulations enacted by the agency have the effect of laws and may be so enforced

DHFS's Regulation & Licensing Mission Statement



- ❖ *DHFS will develop a reasonable and consistent system of regulation and licensing which effectively*
 - ✓ *encourages compliance*
 - ✓ *maintains accountability*
 - ✓ *protects public health & safety*
 - ✓ *fosters quality of life*
 - ✓ *supports consumer awareness, responsibility and satisfaction*

Compliance?

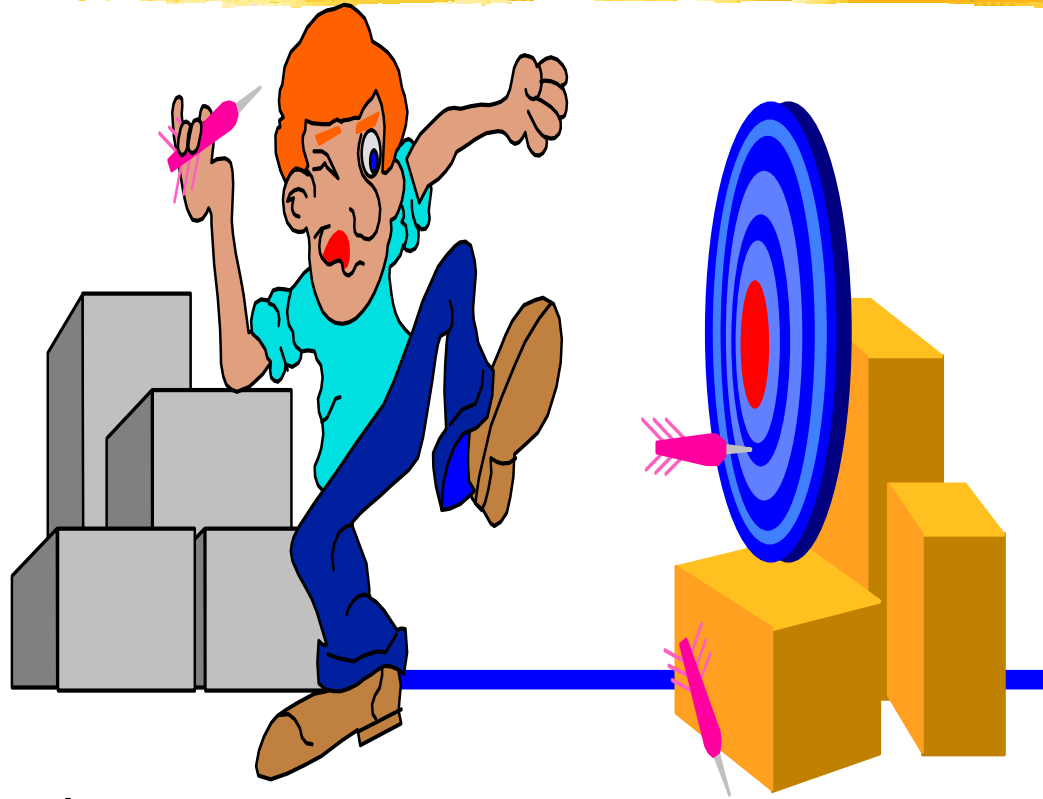
❖ What level?

❖ Who decides?



How do we enforce?

- ❖ Rules
- ❖ Inspections
- ❖ Enforcement
- ❖ Waiver of rules/requirements
- ❖ Evaluation of effectiveness



The Enforcement Continuum



- ❖ *We recognize enforcement as a continuum encompassing prevention, technical assistance, monitoring, and imposing sanctions*
- ❖ *We will establish and consistently apply policies, rules and procedures, and educational efforts within the Department and through referrals to or in coordination with other agencies to ensure consumer safety and rights.*

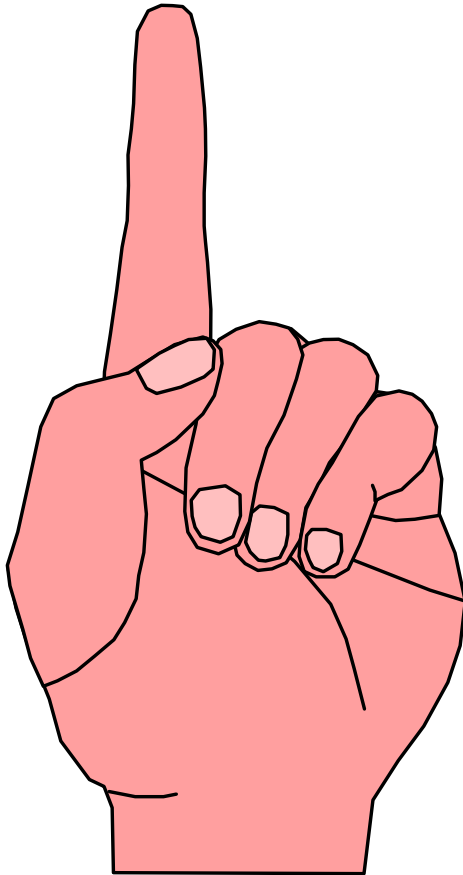
The Law and the Enforcement Process

❖ Regulatory Guidance:

- ✓ Legal: regulations, statutes, administrative rules
- ✓ Other: policies, procedures, memos

❖ Investigations are shaped by this regulatory guidance.

TIP:



#1: Be familiar with your
program's laws

#2: Know the rules too!

You as the Investigator



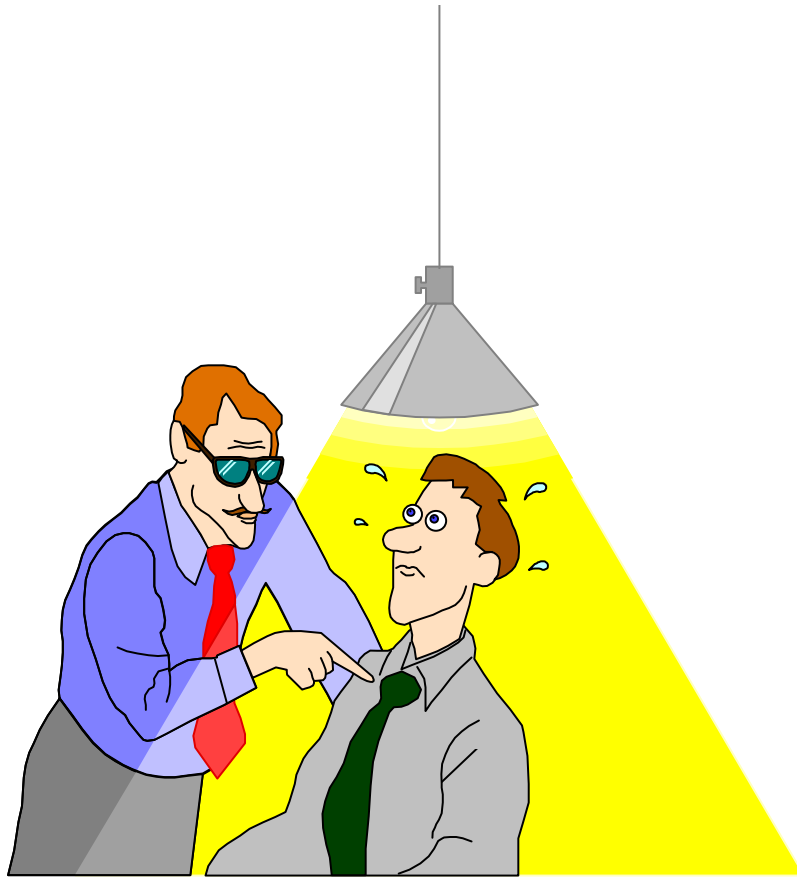
- ❖ What are you doing?
- ❖ For what purpose?

You...

- ❖ As the representative of the agency, you are the personification of the state/government's power ... Therefore, you have power, or the perception of power.



Over-use of authority



- ❖ The "I gotcha"
- ❖ The "loner"
- ❖ The "midnight raider"
- ❖ The "advocate"
- ❖ The "passive aggressor"
- ❖ The "narrow gauge railroad engineer"
- ❖ The "manager"
- ❖ The "biased bigot"
- ❖ The "pessimist"
- ❖ The "enforcer"

Under-use of authority

- ❖ The “consultant”
- ❖ The “social worker”
- ❖ The “follow-the-leader”
- ❖ The “optimist”
- ❖ The “free agent”
- ❖ The “over-identifier”



Balanced use of authority



- ❖ Get and give information appropriately
- ❖ Be comfortable
- ❖ Use technical assistance appropriately
- ❖ Be able to shift gears
- ❖ Know when to involve others
- ❖ Monitor your reactions
- ❖ Know principles of licensing
- ❖ Understand the requirements
- ❖ Maintain balance and boundaries